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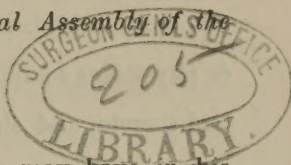
BILL AND MEMORIAL ON THE ADVANCEMENT OF
THE SCIENCE OF MEDICINE AND SURGERY.

Drawn by James Barrett Oct. 1853
at the request of the Doctors -
Printed by Order of the Senate.

S. 76.

An Act for the Advancement of the Science of Medicine
and Surgery.

It is hereby enacted by the General Assembly of the
State of Vermont, as follows :



SEC. 1. Any surgeon or physician may have in his possession the dead human subject for the purpose of anatomical investigation, and the instruction of students, if such subject shall have been obtained without violating any of the laws of this State.

SEC. 2. In case any person shall be executed in this State, in pursuance of the sentence of death for crime, it shall be the duty of the sheriff officiating in such execution to deliver the dead body of the person so executed to the duly authorized agent of any regularly organized medical school, applying for the same, in this State; and in case applications shall have been made therefor, before such ex-

ecution, by more than one school, said sheriff shall determine which of said schools shall be entitled thereto, and deliver the same accordingly, to the agent thereof. And if application shall not be made by, or on behalf of, any such school for said body, within the day in which said execution shall take place, said sheriff shall deliver the same to any surgeon or physician residing in this State, first applying therefor; and if said sheriff shall have received at the same time an application from more than one surgeon or physician, said sheriff shall determine which of said surgeons or physicians so applying, at the same time, shall be entitled thereto, and shall deliver the same accordingly: provided, however, if any relative of the person so executed shall, within twenty-four hours after such execution, apply for said body, or object to its being delivered as herein authorized, said body shall not be so delivered, but shall be interred in the usual manner of burying the dead.

SEC. 3. If any surgeon or physician, or other person, shall, by way of gift or bequest, or otherwise, direct that his body, after his death, shall be delivered to the officers of any medical school in this State, or to any surgeon or physician residing within this State, any such officer, or such surgeon or physician, may receive and use such body for purposes of anatomical investigation and instruction: pro-

vided, however, if any relative of such person shall, within twenty-four hours after the death of such person, object to said body being so delivered, the same shall not be so delivered, but interred in the usual manner of burying the dead.

SEC. 4. In case any convict in the State's prison shall die, and no relative shall claim the body of the person so dying, within twenty-four hours after such death, it shall be the duty of the superintendent of said prison to deliver the dead body to the duly authorized agent of any regularly organized medical school in this State; and in case application shall be made therefor, in behalf of more than one such school, at the same time, said superintendent shall determine which of said schools shall be entitled thereto, and deliver the same to the agent thereof. And if applications shall not be made by, or in behalf of, any such school for such body within twenty-four hours after such death, then said superintendent shall deliver it to any surgeon or physician in the State first applying for the same; and in case applications shall be received at the same time from more than one surgeon or physician, then said superintendent shall determine which of said surgeons or physicians is entitled thereto: provided, that the friends of the convict assent thereto.

*Drawn by James Barrett
at request of the Doctors
Oct 1853*

MEMORIAL

Of James Spalding and four others, physicians, praying
for a law to allow medical men dead bodies for dissection
in certain cases.

*To the Honorable the Legislature of the State of Vermont
now in session :*

The memorial of the undersigned, physicians and surgeons, in behalf of themselves and their professional brethren :

Your memorialists respectfully represent that they regard themselves fortunate in the fact that they are addressing a body of men who fully appreciate the importance of adequate professional skill in the healing art to every class and every individual in the community.

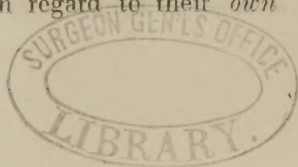
Every one is subject to disease, and to the injuries occasioned by the accidents which are liable to occur to persons in every relation, pursuit and situation in life.

Health of body and soundness of members, stand second only to life itself in our regard. From the connection which such health and soundness hold with life and its ^{enjoyment} employ-
ments, in a sense they are as important as life itself.

Then, too, our nature and relations render as dear to us as our own, the life and health and happiness of those to whom we are bound by the ties of affection: our wives and children, our parents, our brothers, sisters and friends.

There is nothing, indeed, appertaining to existence and its interests in this life, which addresses each one with such a *direct* and *home* appeal as the subject of adequate professional skill in those to whom we look for help and hope when disease is feeling for the cords of life; or violence has mutilated, disabled or destroyed the members of the the body and put life and its usefulness and comfort in jeopardy. As each one, by the inexorable law which subjects his being to disease and death, is for himself and his friends compelled to be dependent upon, and so interested in medical skill, the emergencies of human existence demand the *highest* skill attainable by any and all available means. Indeed that such a profession *exists* is owing to these *very* emergencies; and the fact that the services of its individual members are sought and required in proportion to their *supposed comparative skill*, shows how important such skill is deemed to be.

When, in pursuance of their tastes, and to serve the substantial purposes of life, ^{men} ~~they~~ sequester themselves to this profession, they of necessity become deeply interested, from every consideration, as well in regard to their *own*



personal interests, as in regard to the interests of the public to be served by them, to qualify themselves as best they may for the most *adequate*, and so most *successful*, discharge of the duties of their calling.

There is no such thing as separating and distinguishing the personal interests of the *doctor* from the interests of the *public* in this matter. The doctor may be ambitious of the meed of praise, as well as desirous of the *emoluments* following the successful pursuit of his profession. He knows full well that honestly no considerable attainment of either awaits him, only as he shall deserve it by his practical merits. He knows full well also that such merit will be both appreciated and adequately acknowledged and rewarded; and that *according* to the *degree* of merit, so will it be and prosper with him in his life and labors.

Here then is the character and operation of the inducement which addresses itself to his self interest alone. But with many a devoted physician, there is a large margin of kindly benevolence and charity encircling what in him may be personal and selfish, which incites him to his best efforts and highest aspirations for professional competency. The ability and effort to do good to his fellow man who stands in perishing need of the help which such competency alone can render, bring back to him a large compensation which cannot be counted in dol-

lars and cents. Whether the object and motive be selfish or benevolent, or both combined, they both tend to a result in which every individual is most deeply concerned,—for, from whatever motive it may spring, the best services *possible* for a doctor to render, are what the public *most urgently* need and demand. The legitimate interests of the physician are exactly coincident, in their character, with the interests of the public ; though, in *degree*, the latter incalculably outweigh the former,—as much, even, as health, and soundness, and life outweigh in value mere money and eclat, as the result of one's calling for a livelihood.

How, then, can these interests be best served ? Obviously by the employment on the part of the student and the practitioner, of the most adequate means of securing eminent professional ability and skill. How are these *means* to be obtained ? Obviously they must, by one way or another, be provided.

As an indispensable instrumentality, in addition to books and study with a teacher, and observation among the sick, are our medical schools, in which the different departments are assigned to different men, who devote themselves, each to his own department, rendering specific and thorough the instruction given therein. The department of chemistry, for instance, is indispensable, and its professor must be competent. But however competent, he must have the use of apparatus

to illustrate the principles and show the modes of operating in that science.)

What could he do, more than the mere book, were it not for the advantage given by the apparatus of his laboratory? Nothing. But the mere book cannot do what is necessary.

In *materia medica*—the department which treats of the substances used as medicine—the professor must be able, not merely to *describe* the substances, but he must be able to show them to the eye, and exhibit them to the touch, and taste, and smell. Unless he could do so, his office would be of small avail, and the student would be but *the blind led by the blind*, so far as any practical benefit to himself and the profession is concerned.

But these departments relate to the mere *outside* instruments and machinery of medical practice. Disease germinates, and nestles, and grows furious and fatal *within* the human system. Violence assaults “the form divine,” and lays in wreck or ruin the noble temple of the soul. By *both*, the functions are deranged, the organs of life are disturbed or broken down, and the curious mechanism which, in health and soundness, was working out all the strange mystery of life, and strength and happiness, becomes, by disease or injury, the minister of pain, and weakness, and death.

In order that disease may be understood,—its laws, ope-

ration and effect, its relation to the condition and laws of health and life—it is *absolutely* necessary that the organs upon which it has preyed should be examined, studied and understood, and therein be compared with subjects and organs which have passed from life in a state of health, or by other forms of disease.

In order that the nature and extent of injuries may be understood, and the conditions and means of repairing or alleviating them may be made available, it is necessary that *everything* appertaining to the frame, from the largest bone or muscle, to the minutest nerve or vessel, should be thoroughly known, in all its shape, size, position, relation, attachments, modes of operation and uses. This can only be done by unravelling, with the most *searching* scrutiny, the complicated mechanism which constitutes the human body. No man ever *has* attained, or ever *can* attain, to this knowledge in any other way.

The physician who opens your veins in sickness, or the surgeon who amputates your limbs, or removes your tumors, or searches the depths of your deep seated abscess, or repairs your deformities, caused by accident or otherwise, and does not work *worse* injury than he seeks to remedy, owes his success, as well as you the benefit, to knowledge which he has acquired by days and months of patient study over the dead subject.

And the more thorough, constant and continued that kind of study, the more competent for good, and the less liable to do injury in the practice of his art, will he become ; and in the *same* proportion will each person, for himself, his family and friends, reap the richest fruits of his patient and well directed toil. Indeed, anatomy is the foundation of, and an indispensable element in, all medical science—the basis of *all reliable skill* in the *practice* of medicine and surgery. Without it the first step cannot be safely taken. But without the dead subject, dissected and most minutely and thoroughly studied, there is, and can be, no available knowledge of anatomy.

There is, from the very constitution of human nature, always connected with the idea of death and the human dead, a feeling of horror ; there is also a feeling which would lead us to consecrate the dead. These feelings have their origin in the best instincts and tendencies of the human heart, and, within proper limits, and when entertained to proper intents and purposes, they ought to be freely indulged. The *dead* themselves have no feeling on the subject. However tenderly they may be “straightened for the grave,” however richly they may be coffined and caparisoned, however gorgeously they may be emblazoned by the sculptured marble, they are equally, with the uncoffined and unmourned vagrant, destined to become the earth-

worm's banquet. No love, no tenderness, no kind and careful offices of the living, can withhold them from the operation of the inexorable behest, "dust thou art and to dust shalt thou return."

And yet, for the sake of the living, we would by no means ask or wish that one feeling of tenderness and consecration towards their beloved dead, should be foregone or wounded.

But in cases in which no love, no tenderness, no kind and careful offices are to be affected or interfered with, in reference to the dead, we conceive that there are interests to be served which render it worthy of inquiry and consideration whether, with due regard to the sentiments and feelings of the living, some provision may not well be made rendering it *possible* for a corpse to be had and used for study and improvement in medicine and surgery, without involving a criminal violation of the law.

When no one, as a relative or friend of the deceased, is interested in his life or death, or disposition of the body after death, the sentiment, which would give rise to the objection against the body being used for purposes of scientific study, would seem to be a kind of sacred horror at the *idea* of such a use of it.

When the physician stands by the bed-side of sickness, and by his ready skill arrests the progress of disease, and

turns back the shaft of death, threatening yourself or your most beloved friends, you regard him as none the less an angel of mercy and beneficence because he has been familiar with many a lifeless body, in its minutest filaments, as the needful *means* of attaining *that very skill*.

When the surgeon, with a sure hand and well adapted means, relieves a deformity of nature, removes a threatening tumor, or restores a mutilated member, you do not shudder at the kindly office he has performed, whenever you call to mind that it was all owing to his familiarity with the lifeless forms of your fellow men.

While your own necessity and interest render such familiarity *necessary*, and such results of benefit flow to yourself, in common with your fellow men, why should any horror, or even repugnance, be felt towards the idea of anatomical dissections? Such dissection *is* done and *must be* done, as a part of the education of every physician or surgeon, and the greater the extent to which it is carried, in proper modes, the greater the useful skill of the practitioner and the greater the service rendered to the public.

And is it known and considered that, under the present state of the law, no body for anatomical study can be procured in this State without violating a law which arms itself with the penalty of State prison? Hence, with the exception of here and there a body, procured by some daring

hand, at the hazard of the "hangman's whip," subjects for dissection have to be, and *are*, procured from abroad.

But is it known or considered that in addition to the trouble and expense, the procuring of subjects from other states, though not interfering with the laws of this State, still involves the violation, by somebody, of the laws of such other states, and exposes the person, who obtains and furnishes them, to the penalties of violated law? The law of Massachusetts makes provision by which subjects may be had for use, *within that State*, but is penal against sending them out of it. All other states, except Michigan, cut off all means, for any purpose, of procuring subjects for anatomical study, and so leave the great professional and public necessity to be supplied by crime, at the hazard of severe and ^{graceful} ~~disagreeable~~ punishment. Should this be so? Is it expedient in policy? Is it sound in morals? Is it tolerable in religion? But look at this subject in another aspect. Not only does the public weal, and the individual interests of every person, require adequate professional skill, but the law enjoins it with inexorable sanctions.

Any want of skill, as well as any lack of care in its exercise, subjects doctors, equally, to say the least, with any other profession or calling, to the liabilities of the law;

and everybody knows, that often, they are held with a most urgent pertinacity to the last tittle of responsibility, for the discharge of their professional duties.

Is it not an incongruous spectacle, that on the one hand, not only ~~an~~ individual exigency, but the law of the *State itself*, should require a kind and measure of skill, that can be attained only by the possession and use of *certain* means, while at the same time, on the other hand, the law of the *same* State, makes it criminal to obtain such means within its borders; and the law of surrounding states makes it equally criminal to obtain them within their borders? Is not this a strange paradox? Does it not place us in a most unreasonable dilemma, either in view of our own, or of the public interest? Does it not upon every consideration herein presented, and a thousand others which will readily come to mind, present a case worthy of, and calling for, some relief at the hands of the makers of our laws?

We think so, and we trust that upon consideration, all who compose the body to whom we make our appeal will think so *too*, and thus be led to relieve us in our interests, as teachers and dispensers of the healing art, and at the same time, and by the same act, serve the highest interests of humanity, by encouraging sound and thorough

scientific knowledge, and the highest competency in professional skill in medicine and surgery.

All which is respectfully submitted,

JAMES SPALDING,

J. Y. DEWEY,

E. D. WARNER,

J. P. BANCROFT,

ORREN SMITH.

THE STATE OF NEW YORK
IN SENATE
January 10, 1890.

REPORT
OF THE
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